

CONNECTICUT STATE PILOTS

#9 Nottingham Road
Old Lyme, Connecticut 06371

Testimony by the Connecticut State Pilots in Opposition to Raised Bill 5163 An Act Concerning Revisions to the Department Of Transportation Statutes

February 22, 2012

Good morning, Chairman Guerrero, Chairman Maynard and members of the Transportation Committee. My name is Charles Jonas and I am a member of the Connecticut State Pilots. We are a group of seven ship pilots licensed exclusively by the State of Connecticut for the Long Island Sound and Connecticut Ports. We are the only ship pilots licensed exclusively by the State of Connecticut.

On behalf of the Connecticut State Pilots, I am here today to testify in opposition to the changes proposed in Raised Bill 5163, An Act Concerning Revisions to the Department of Transportation Statutes. Specifically, we oppose certain provisions in the following three sections: Section 2(e), Section 3(a) and Section 3(e).

Background on Connecticut State Pilots

The Connecticut State Pilots are the pilots on the Connecticut Side of the Joint Connecticut/New York Rotation of Pilots for the Long Island Sound and Connecticut ports. Pilots guide the large oceangoing ships through the Long Island Sound and into Connecticut ports. A State Pilot's license is required for Foreign Flag Ships (those involved in international trade) and US Flag Ships (those involved in domestic trade). For US Flag ships, a United States Coast Guard's pilot's license also is required.

Along with the overall economy, our business has been on the decline in recent years. In 2007, we had 362 ships to Long Island Sound Ports. In 2011, we had only 219 ships. For 2012, we expect less than 200 ships unless the economy improves dramatically. We are also hopeful that Governor Malloy's plan to develop Connecticut's ports is successful. We applaud the Governor for taking this initiative.

Our primary duty as a pilot is protection of life, property and the environment and to promote commerce to Connecticut's ports. Over the last several years, we have streamlined our operation as much as possible without compromising our responsibilities. However, we are concerned with certain regulations and requirements placed on us by the Department of Transportation. These provisions increase the cost of doing business in Connecticut but really offer no discernible benefit.

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Analysis of RB 5163

Section 2 (e) would give the Commissioner the authority to inactivate a pilot's license for: (4) physical limitations preventing performance of duties. In the industry, this is commonly known as "Fit for Duty" or "Not Fit for Duty."

This proposal is unnecessary for the simple reason that all pilots have licenses from the United States Coast Guard ("USCG") and, in Connecticut, a USCG license is a pre-requisite for a state license. Of course, the USCG requires every pilot to submit an annual physical to the USCG National Maritime Center where it is reviewed by the Medical Evaluation Division. Based on the Medical Officer's Review, a determination is made whether the pilot may or may not operate under the authority of his USCG pilot's license. To reinforce the obvious, the Connecticut state license is not valid unless the pilot's USCG license is valid. Why should Connecticut duplicate the requirement enforced by the USCG that a ship pilot be fit for duty?

Why would the Department want to take on the cost of hiring a Medical Evaluation Officer familiar with the physical requirements of a pilot's job when it is already and will continue to be performed by the USCG at no cost to the state? This is the question the legislature must ask.

Regarding Section 3(a), we believe it creates an unworkable process. Specifically, Section 3(a) would require the owner of a Pilot boat (which is used to transport pilots to and from ships) to obtain a "certificate of compliance from a qualified marine surveyor." Under current law, the Department of Transportation must issue a "certificate of compliance."

Upon reading Section 3(a), we investigated the possibility of having a qualified marine surveyor inspect our Pilot boat for the "Certificate of Compliance" required in Section 3(a). We consulted one of the most experienced "Certified Marine Surveyors" who has surveyed most of the pilot boat on the East Coast. This surveyor informed us that "he had never seen or heard of such a certificate and that it would be unlikely that we would find a certified surveyor who would issue such a certificate."

Instead of the approach set forth in RB 5163, we recommend requiring the owner or operator of a Pilot boat to produce a "Certificate of Insurance." Ship pilots spend a considerable amount of money for Pilot boat insurance. To obtain and maintain this insurance, the pilot boats must be surveyed by a "Certified Marine Inspector" and have a satisfactory report. This survey is the property of the insurance company. Producing a "Certificate of Insurance" would be the most efficient evidence of a pilot boat's condition.

Ship pilots board vessels any time of day, any day of the week, and in all weather. We are the experts. Connecticut pilots have not had an incident boarding or disembarking ships in over

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25 years. Given this track record, it seems obvious that we do not need the Department of Transportation's oversight regarding the pilot boats we use.

As for Section 3(b), it would increase the fine that may be levied for failure to comply with Section 3(a) from a range of \$60 to \$250 dollars to a range of \$500 to \$1,000. Given the established track record of Connecticut's ship pilots, there is no justification for dramatically increasing the fine.

Thank you for your time and consideration.